IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 15586 of 2005

Between:

M/s.Vorion Chemicals & Distilleries Limited,

(Now merged with mohan Breweries & Distilleries Ltd.,)

Pullur, Chittoor District rep., by its Accounts Officer, Mr.Y.Srinivas.

..... PETITIONER

AND

1 The Commercial Tax Officer-II, Chittoor.
2 The Appellate Deputy Commissioner (CT),

Kurnool Division, Kurnool.
3 The Additional Commissioner (CT) Legal,

Andhra Pradesh, Nampally, Hyderabad.
4 M/s.A.P.Beverages Corporation Limited,

4th Floor, Prohibition & Excise Complex,

9 & 10 Eastern, M.J.Road, Hyderabad

rep., by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari or any other appropriate writ or order or direction quashing the order of the 3rd respondent in C.C.T.'s Ref.LV (3)/933/2005, dated 27-6-2005 as illegal, arbitrary and unjustified and consequently restrain the 1st respondent from taking any coercive steps for recovery of disputed interest of Rs.2,88,45,287/- levied as per order dated 14-3-2005 till disposal of the appeal No.25/05-06 CTR pending before the 2nd respondent and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.SRINIVASA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR COMMERCIAL TAX

Counsel for the Respondent No.4: None appeared.

The Court made the following :

ORDER:

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Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending appeal, application for stay was dismissed by

the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of Rs.75,00,000/-(Rupees seventy five lakhs only) within a period of two months from the date of receipt of a copy of this order. No coercive steps shall be taken for recovery of the balance amount, till disposal of the appeal. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

(Bilal Nazki, A.C.J)

(G.Chandraiah, J)

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To

1 The Commercial Tax Officer-II, Chittoor.
2 The Appellate Deputy Commissioner (CT),

Kurnool Division, Kurnool.
3 The Additional Commissioner (CT) Legal,

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rep., by its Managing Director.

5 Two C.Cs to G.P. for Commercial tax,

High Court buildings, Hyderabad.(O.U.T.)

6 2 CD copies

7 1 CC to MR.SRINIVASA REDDY